

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

August 22, 2017

ENVIRONMENTAL QUALITY
COUNCIL 2017-18

Tom Towe
2739 Gregory Drive South
Billings, MT 59102

September 28, 2017

Exhibit 2

Dear Tom:

On behalf of the Governor, let me begin by thanking you for your dedication to the State on so many causes, including advancement of our state parks. While you and the Governor may disagree on the best path forward, he knows that you share a common passion to protect the opportunities our state parks provide. You and the Governor diverge, however, on the appropriate means to accomplish that goal. For the reasons explained in this letter, I must notify you that you have been removed from your appointment to the Montana State Parks & Recreation Board ("Board"). The administration does not exercise this authority lightly, but believes this change is necessary to achieve a strong, cohesive Board that can focus on the work ahead for our state parks.

As you know, the Montana State Parks & Recreation Board is part of the Department of Fish, Wildlife and Parks ("FWP"). In the 2017 session, HB 324 was introduced to remove oversight of the Parks Division from the Director of FWP and place it with a volunteer board. Under HB 324, that volunteer board would oversee a Parks Director. The administration opposed this legislation. In the administration's judgment, the structure proposed by HB 324 would not achieve the results and accountability our parks system requires. At the Governor's direction, FWP Director Martha Williams testified in opposition to the bill.

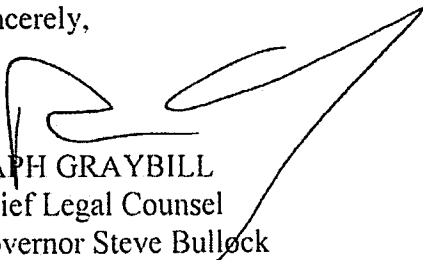
The administration's decision to oppose HB 324 was communicated to the Board, which you chair. Despite being informed of that decision, you testified in favor of the legislation in committee and lobbied members of the Legislature to support the bill. Those actions were contrary to our policy for lobbying before the Legislature, which requires board members to work within their agency structure to coordinate lobbying efforts and provides that the Governor is empowered to make "the final decision prior to legislative lobbying." Pursuant to Mont. Code Ann. § 2-15-103, the Governor's decision to oppose HB 324 was final and resolved any conflict within the executive branch on HB 324.

Your actions violated the policies governing your service on the board and directly contradicted the position of the executive branch. You engaged in this conduct even though throughout this time, you met with the Director of FWP and members of the Governor's staff, and you were informed of the administration's decision. Your concerns were heard and considered. But your actions lobbying against the executive branch did not change.

These actions have disrupted the Board's ability to move forward to tackle the challenges facing our state parks system. Your continued service on the Board creates an ongoing conflict with the final policy decision of the executive branch. Most importantly, sustained focus on the policy proposed by HB 324 prevents the Board from undertaking its regular duties under the law, and hinders the Board, the Department, and the management of our state parks. The Board cannot continue its work in this posture. Consequently, it is with regret that I must notify you of the termination of your appointment for cause.

The Governor is confident that you will remain engaged in service of our state parks. He hopes that you will continue to work toward the common purpose of improving these state treasures for future generations. Please accept the Governor's sincere appreciation and thanks for your service.

Sincerely,



RAPH GRAYBILL
Chief Legal Counsel
Governor Steve Bullock